

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
AND NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS**

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **May 17, 2001**, at 10:00 a.m.
in the Carmel Room of the Junipero Serra State Building,
320 West 4th Street, Los Angeles, California 90013.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **May 17, 2001**, following the Public Meeting,
in the Carmel Room of the Junipero Serra State Building,
320 West 4th Street, Los Angeles, California 90013.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **May 17, 2001**, following the Public Hearing,
in the Carmel Room of the Junipero Serra State Building,
320 West 4th Street, Los Angeles, California 90013.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

JERE W. INGRAM, Chairman

NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS
BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Permanent Amusement Ride Safety Orders and General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **May 17, 2001**.

1. TITLE 8: **PERMANENT AMUSEMENT RIDE SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 6.2, Articles 1 - 12
Sections 3195.1 – 3195.15
[Inspection of Permanent Amusement Rides, Including Aquatic Devices](#)

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 59
Section 4296
[Automatic Starting of Woodworking Machines and Equipment After Power Failure](#)

Descriptions of the proposed changes are as follows:

1. **TITLE 8:** **PERMANENT AMUSEMENT RIDE SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 6.2, Articles 1 - 12
Sections 3195.1 – 3195.15
[Inspection of Permanent Amusement Rides, Including Aquatic Devices](#)

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Current regulations in Title 8 do not provide for inspection of permanent amusement rides. The Legislature recently enacted Part 8.1, Sections 7920 through 7932 of the California Labor Code, which created the state system for inspection of permanent amusement rides.

Labor Code Section 7923 of Part 8.1 provides regulatory authority for the Division of Occupational Safety and Health (Division) to formulate and propose regulations for adoption by the Occupational Safety and Health Standards Board (Board) for the safe installation, repair, maintenance, use, operation, and inspection of permanent amusement rides, as the Division finds necessary for the protection of the general public using permanent amusement rides. Further, regulatory authority stipulates the regulations the Division proposes may be in addition to existing applicable safety orders and shall address engineering force stresses, safety devices, and preventative maintenance. Labor Code Section 7923(b) of Part 8.1 specifies that it is the Legislature's intent that the rules and regulations adopted by the Board be consistent with those adopted for portable/traveling amusement rides, to the extent that those regulations are appropriate.

This proposal contains the regulations formulated by the Division, pursuant to Labor Code Part 8.1, herein submitted for Board consideration. The proposed regulations apply to permanent amusement rides including aquatic devices currently in service, and those placed in service after the effective date of the regulation.

Article 1. Application

Section 3195.1

Proposed Section 3195.1 requires owners/operators of permanent amusement rides to comply with the new regulations for the safe installation, repair, maintenance, use, operation, and inspection of permanent amusement rides, as defined in Labor Code Section 7921, operated anywhere in California. Proposed Section 3195.1 includes a note indicating that the administrative regulations for permanent amusement rides are contained in Title 8, California Code of Regulations, Chapter 3.2, Subchapter 2, Article 6, Regulations of the Division of Occupational Safety and Health.

Article 2. Definitions

Section 3195.2. Definitions.

Proposed Section 3195.2 provides the definition of "authorized personnel" and "incident" used in Articles 1 through 9 of Subchapter 6.2 and specifies that all other definitions are contained in Title 8,

California Code of Regulations, Subchapter 2, Regulations of the Division of Occupational Safety and Health, Article 6, Section 344.6.

Article 3. Design and Manufacture of Permanent Amusement Rides

Section 3195.3. General Design and Manufacture.

Subsection (a)

Proposed subsection (a) requires owners/operators of permanent amusement rides to comply with the design and manufacturer requirements in American Society for Testing and Materials (ASTM) F 1159-97a "Standard Practice for the Design and Manufacture of Amusement Rides and Devices" for rides placed in service after the effective date of this regulation. The proposal incorporates by reference ASTM F 1159-97a.

Subsection (b)

Proposed subsection (b) requires owners/operators of permanent amusement rides to ensure that the design and calculation documents specified in Section 4.1 of ASTM F 1159-97a, the drawings and records specified in Section 4.2, and the testing documents and records specified in Section 4.3, are available for review by the Division during any of the Division inspections conducted pursuant to Section 344.8, Article 6, Regulations of the Division of Occupational Safety and Health.

Subsection (c)

Proposed subsection (c) specifies that owners/operators of permanent amusement rides may be required to provide a stress analysis, signed and stamped by a licensed engineer, if after an inspection for which no engineering calculations are available from the manufacturer or fabricator for a particular ride, if the ride was involved in prior accidents/incidents, or there has been other problematic operational performance. When the stress analysis on a particular ride is accepted by the Division, it shall be deemed to apply to all rides of the same make and model where there has been no major modification to the rides.

Article 4. Testing Performance of Permanent Amusement Rides

Section 3195.4. Required Testing.

Subsection (a)

Proposed subsection (a) requires owners/operators of permanent amusement rides to comply with the permanent amusement ride testing requirements specified in ASTM F 846-92 "Standard Guide for Testing Performance of Amusement Rides and Devices." The proposal incorporates by reference ASTM F 846-92.

Subsection (b)

Proposed subsection (b) requires owners/operators to ensure that the documentation on test procedures developed and performed pursuant to the manufacturer's developmental testing, specified in Sections 5,

6, 7, and 8 of ASTM F 846-92, are documented and available for review by the Division during any of the Division inspections conducted pursuant to Section 344.8.

Article 5. Maintenance Procedures for Permanent Amusement Rides

Section 3195.5 Maintenance.

Subsection (a)

Proposed subsection (a) requires owners/operators of permanent amusement rides to comply with the maintenance procedures in ASTM F 853-98 "Standard Practice for Maintenance Procedures for Amusement Rides and Devices." The proposal incorporates by reference ASTM F 853-98.

Subsection (b)

Proposed subsection (b) requires the owner/operator to ensure that the manufacturer's documented maintenance instructions, specified in Section 4 of ASTM F 853-98, and the documentation for the maintenance performed according to the manufacturer's maintenance instructions are available for review by the Division during any of the Division inspections conducted pursuant to Section 344.8.

Article 6. Inspection of Permanent Amusement Rides

Section 3195.6. Inspection Procedures.

Subsection (a)

Proposed subsection (a) requires owners/operators of permanent amusement rides to comply with the amusement ride inspection requirements in ASTM F 893-87 "Standard Guide for Inspection of Amusement Rides and Devices." The proposal incorporates by reference ASTM F 893-87.

Subsection (b)

Proposed subsection (b) requires owners/operators to ensure that document(s) denoting the manufacturer's quality assurance program, specified in Section 5.1 of ASTM F 893-87, are available for review by the Division during any of the Division inspections conducted pursuant to Section 344.8

Subsection (c)

Proposed subsection (c) requires the owners/operators to ensure that the inspection and testing be made by or under the direct supervision of authorized personnel.

Article 7. Operation Procedures for Permanent Amusement Rides

Section 3195.7. Control of Operations.

Subsection (a)

Proposed subsection (a) requires owners/operators of permanent amusement rides to comply with the operating procedures in ASTM F 770-93 "Standard Practice for Operation Procedures for Amusement

Rides and Devices" except Section 5. Proposed subsection (a) incorporates by reference ASTM F 770-93.

Subsection (b)

Proposed subsection (b) requires owners/operators to ensure that the document denoting the manufacturer's recommended operating instructions, specified in Section 3 of ASTM F 770-93, is available for review by the Division during any of the Division inspections conducted pursuant to Section 344.8.

Article 8. Information Provided for Permanent Amusement Rides

Section 3195.8. Physical Information.

Subsection (a)

Proposed subsection (a) requires owners/operators of permanent amusement rides to comply with the information requirements in ASTM F 698-94 "Standard Specification for Physical Information to be Provided for Amusement Rides and Devices" for permanent amusement rides installed and operated after the effective date of this regulation. The proposal incorporates by reference ASTM F 698-94.

Subsection (b)

Proposed subsection (b) requires owners/operators to ensure that the information provided by the manufacturer, pursuant to ASTM F 698-94, on the proper identification, placement, erection, and operation of each permanent amusement ride, is available for review by the Division during any of the Division inspections conducted pursuant to Section 344.8.

Subsection (c)

Proposed subsection (c) requires owners/operators of permanent amusement rides installed prior to the effective date of this regulation to permanently affix to each permanent ride the name and address of the manufacturer (if known), a trade or description name, and model or serial number (if any), the maximum number of passengers, and the maximum safe speed. The required information shall be legibly impressed on a metal plate or equivalent and readily visible and legible at all times.

Subsection (d)

Proposed subsection (d) requires owners/operators of permanent amusement rides to ensure that all amusement rides are identified by a registration number provided by the Division. This registration number shall be kept with other pertinent records for the amusement ride and be permanently attached to the ride.

Article 9. Mechanical Requirements for Permanent Amusement Rides

The following proposed regulations in Article 9 are from Article 35 of the General Industry Safety Orders and apply to portable/traveling amusement rides. The Division determined these regulations are also applicable to permanent amusement rides. The incorporation of these regulations is consistent with

Labor Code Section 7923, which indicates existing applicable safety orders shall be used, to the extent that those regulations are found to be appropriate.

Section 3195.9. Mechanical Requirements.

Subsection (a) Emergency Brakes.

Proposed subsection (a) requires owners/operators of permanent amusement rides to provide emergency brakes if collisions are likely to cause injury or damage if normal controls fail. Ride systems designed for controlled collisions, such as bumper cars, do not require emergency brakes.

Subsection (b) Anti Rollback Devices.

Proposed subsection (b) requires owners/operators to provide automatic anti-rollback devices on rides that use inclined tracks.

Subsection (c) Speed Limiting Device.

Proposed subsection (c) requires owners/operators of permanent amusement rides to provide a maximum speed limiting device if a permanent amusement ride is capable of exceeding its maximum safe operating speed. All mechanical governors with an adjustable speed setting shall be sealed so that the adjustment cannot be changed without breaking the seal. If the seal is broken, the governor shall be readjusted and resealed per the ride manufacturer specifications prior to placing the ride in service.

Subsection (d) Signal Systems.

Proposed subsection (d) requires that all manually controlled signal systems comply with the following:

Subsection (d)(1)

Proposed subsection (d)(1) requires owners/operators of permanent amusement rides to provide signal systems to warn operators against dispatching other passenger-carrying units if the lack of such system could result in collisions and/or injury to passengers.

Subsection (d)(2)

Proposed subsection (d)(2) requires owners/operators of permanent amusement rides to provide signal systems to start and stop amusement rides if the operator does not have a clear view of passengers loading or unloading the ride.

Subsection (d)(3)

Proposed subsection (d)(3) requires owners/operators of permanent amusement rides to post the signal codes at the operator and signaler's stations. Ride operators shall be trained in the use of the signal codes.

Subsection (d)(4)

Proposed subsection (d)(4) requires owners/operators of permanent amusement rides to ensure that signals to place the ride in motion are not given until all passengers are safely secured within the conveyance and all other persons are a safe distance from the ride.

Subsection (d)(5)

Proposed subsection (d)(5) requires owners/operators of permanent amusement rides to test the signal systems of each ride at least once each day prior to operation. Rides shall not be operated if the signal system is not working properly.

Subsection (e) Passenger-Carrying Rides.

Subsection (e)(1)

Proposed subsection (e)(1) requires owners/operators of permanent amusement rides to ensure that parts of amusement rides with which passengers may come in contact to be smooth, free from sharp, rough, or splintered surfaces, edges and corners. Those parts shall also be free of protruding studs, bolts, screws, or other projections. Interior parts that a passenger may be forcibly thrown into by the action of the ride shall be adequately padded to prevent injury to the passenger.

Subsection (e)(2)

Proposed subsection (e)(2) requires owners/operators of permanent amusement rides to provide a driving mechanism that is guarded to prevent passengers from gaining access to the mechanism if the rides are self-powered and operated by passengers. The overhead screen in bumper car types of rides shall not have holes.

Subsection (f). Passengers Restraining and Containing Safety Devices.

Subsection (f)(1)

Proposed subsection (f)(1) requires owners/operators of permanent amusement rides to install restraining or containing devices in or on tubs, cars, chairs, seats, gondolas, or other carriers if a restraining or containing device is deemed necessary after inspection by an authorized Division representative.

Subsection (f)(2)

Proposed subsection (f)(2) requires owners/operators of permanent amusement rides to provide restraining or containing devices in or on tubs, cars, chairs, seats, gondolas, and other carriers that are designed, constructed, installed, and maintained to retain, restrain or support the passenger safely. The fastenings shall be of a type that cannot be released inadvertently by the passenger or by other accidental means.

Subsection (f)(3)

Proposed subsection (f)(3) requires owners/operators of permanent amusement rides to provide and maintain in a safe condition belts, bars, footrests, and other equipment used to enter, exit, or support

passengers. The equipment, anchorage, and fastening shall be of sufficient strength to restrain the passengers.

Subsection (g) Control of Operations.

Subsection (g)(1)

Proposed subsection (g)(1) requires owners/operators of permanent amusement rides to ensure amusement rides are operated and controlled only by authorized personnel. Authorized personnel shall be in the immediate vicinity of the operating controls during operation, even if automatic devices are used to control the time cycle of the ride.

Subsection (g)(2)

Proposed subsection (g)(2) requires owners/operators of permanent amusement rides to ensure the amusement ride has a stopping device within reach of the authorized personnel at all times.

Subsection (g)(3)

Proposed subsection (g)(3) requires owners/operators of permanent amusement rides to ensure that, in addition to the stop switch required by subsection (g)(2), each electrically driven amusement ride has a disconnect switch within reach of the authorized personnel for use in case of emergency. In lieu of this disconnect switch, a stopping device may be used that requires this device to be manually reset before the ride can be operated after the switch is activated.

Subsection (g)(4)

Proposed subsection (g)(4) requires owners/operators of permanent amusement rides to ensure that an amusement ride is not used or operated in such a way as to endanger any person.

Subsection (g)(5)

Proposed subsection (g)(5) requires owners/operators to fence, barricade, or otherwise guard against public intrusion into areas where bystanders may be endangered. Fences installed or replaced after the effective date of this regulation shall comply with ASTM F 1159-97a.

Article 10. Water Parks

Section 3195.10. Application.

Proposed Section 3195.10 requires owners/operators of water parks to comply with the requirements in Section 3195.11 through Section 3195.15 and other applicable requirements in Subsection 6.2.

Section 3195.11. Definitions.

Proposed Section 3195.11 provides definitions of terms used throughout the proposed regulations in Article 10.

Section 3195.12. Plans.**Subsection (a)**

Proposed subsection (a) requires the owners/operators of aquatic device(s) to make available to the Division a complete set of the plans indicating design, placement, erection, operation, etc. The plans for water slides shall include, but are not limited to, detailed drawings of the slide entrance, the water slide, exit from the water slide, and associated structural calculations.

Subsection (a)(1)

Proposed subsection (a)(1) requires owners/operators of aquatic device(s) to provide plans certified by a licensed engineer indicating the erection plans comply with the requirements of this subchapter and that the plans were developed in accordance with accepted industry engineering practices.

Subsection (a)(2)

Proposed subsection (a)(2) requires owners/operators of aquatic device(s) to submit to the Division an "as-built" document upon completion of the installation and prior to public usage.

Section 3195.13. Operation and Maintenance.**Subsection (a)**

Proposed subsection (a) requires aquatic device owners/operators to maintain an operations manual or other document with written instructions for the operation and maintenance of the aquatic device(s). The manual or written instructions shall be readily available at the water park and shall include at least the following:

- (A) General maintenance procedures;
- (B) Equipment operation instructions;
- (C) A written emergency plan including at least the following:
 - (1) A procedure for cessation of operations when the water supply is cut off or a power outage occurs during operation;
 - (2) Procedures for evacuating patrons from all aquatic devices including the estimated evacuation time; and
 - (3) Crowd control methods during emergency situations.
 - (4) Number of attendants necessary to provide surveillance of all areas where patrons may be conveyed by the aquatic device, and to properly control patrons entering and exiting the aquatic device. When determining the proper staffing level for an aquatic device, the following shall be considered:
 - (A) Design and type of aquatic device including but not limited to:

- (1) Number of entrances to the loading platform;
- (2) Number of flumes or tubes;
- (3) Length and/or duration of the ride;
- (4) Passenger capacity of the ride by weight, and
- (5) Maximum capacity by number of patrons the ride can accommodate.
- (B) Proximity of channels that carry water to convey patrons down the device;
- (C) Control of crowds and patrons starting from the top of the water slide;
- (D) Control of the timing of each patron on the slide;
- (E) Supervision of all visible portions of the flume;
- (F) The orderly control of patrons entering the splash pool;
- (G) Prevention of unsafe behavior in and around the splash pool; and
- (H) The manufacturer's recommended staffing requirements.
- (5) Maintenance instructions for the aquatic device;

Subsection (b)

Proposed subsection (b) requires that aquatic device owners/operators maintain records including, but not limited to, maintenance records, repair records, water quality records, training records, accident/incident records, and records demonstrating how proper staffing levels were determined.

Subsection (c)

Proposed subsection (c) requires aquatic device owners/operators to maintain staffing levels in compliance with the written operational instructions they develop pursuant to subsection (a)(4).

Subsection (c)(1)

Proposed subsection (c)(1) requires that aquatic device owners/operators provide at least one attendant, selected pursuant to subsection (a)(4), that shall be located in the immediate vicinity of the water slide splash pool. The attendant shall be trained in first aid and certified by a recognized certification organization in life saving techniques.

Subsection (d)

Proposed subsection (d) requires aquatic device owners/operators to ensure the surfaces and edges of the water device that may come in contact with patrons is free from cutting or pinching hazards or any other hazards that may cause injury.

Subsection (e)

Proposed subsection (e) requires aquatic device owners/operators to ensure the water park is fenced or otherwise guarded to prevent unauthorized entry by patrons. Individual aquatic devices need not be fenced or guarded unless the lack of fencing and/or guarding exposes the patrons to injury.

Subsection (f)

Proposed subsection (f) requires aquatic device owners/operators to provide buoy lines or other devices to warn patrons away from wave generating equipment when recommended by the manufacturer, and:

- (1) At least one attendant at a wave pool shall have access to a stopping device that will remove power from the wave-making machine;
- (2) The mains drain(s) shall be visible from the wave pool deck; and
- (3) Public access to any wave pool shall be from the zero depth end only.

Subsection (g)

Proposed subsection (g) requires aquatic device owners/operators to maintain ingress, egress and walking surfaces in water parks to be slip resistant and free of standing water.

Subsection (h)

Proposed subsection (h) requires aquatic device owners/operators to provide durable signs with lettering on a contrasting background permanently and conspicuously posted at each ride indicating the manufacturer's recommended ride patron capacity.

Subsection (i)

Proposed subsection (i) requires aquatic device owners/operators to ensure equipment room(s) are locked to prevent unauthorized access.

Article 11. Record Keeping and Accident/Incident Information Recorded on Permanent Amusement Rides**Section 3195.14 Record Keeping and Accident/Incident Recorded Information.****Subsection (a)**

Proposed subsection (a) requires owners/operators of permanent amusement rides to maintain all records including, but not limited to, employee training records; maintenance, repair, and inspection records for

each permanent amusement ride; records of accidents covered by subsection 344.15(a); records of accidents associated with the failure, malfunction, operation, or use of a permanent amusement ride resulting in any injury not covered in subsection 3195.14(a)(3); and records of incidents associated with the failure, malfunction, operation, or use of a permanent amusement ride resulting in no injuries. These records shall be available for review by the Division during the annual records audit and inspection conducted by the Division pursuant to Section 344.8(d) as long as the ride is in operation.

Subsection (b)

Proposed subsection (b) requires owners/operators of permanent amusement rides to record information on accidents/incidents. The information shall include but not be limited to the following;

- (1) Date the accident/incident occurred and events causing or related to the accident/incident;
- (2) Name, address, age, and telephone number of person(s) involved, including but not limited to person(s) injured, ride operator, and witness(es);
- (3) Name of the ride and manufacturer of the ride where or on which the accident/incident occurred;
- (4) Description of accident/incident; and
- (5) Description of injury, if any, and treatment provided.

Subsection (c)

Proposed subsection (c) requires owners/operators of permanent amusement rides to classify accidents/incidents recorded according to the following categories based on the reported or observed reliable information:

- (1) "On ride accident/incident" - accident/incident occurred while patron was riding the amusement ride during the operation of the ride;
- (2) "Loading and unloading accident/incident" - accident/incident occurred while patron was within the area designated for loading and unloading of the amusement ride;
- (3) "Queue line accident/incident" - accident/incident occurred while patron was in line for the amusement ride;
- (4) "Other" - accident/incident occurred in a location other than described in (c)(1) through (c)(3) above.

Article 12. Electrical

Section 3195.15. Electrical Wiring Affecting Permanent Amusement Rides.

Proposed Section 3195.15 requires that the installation of all new electrical wiring for permanent amusement rides shall conform to the applicable requirements of the California Code of Regulations, Title 24, Part 3, California Electrical Code, 1998.

DOCUMENTS INCORPORATED BY REFERENCE

1. American Society for Testing and Materials (ASTM) ASTM F 1159-97a Standard Practice for the Design and Manufacture of Amusement Rides and Devices.
2. ASTM F 846-92 (Reapproved 1998) Standard Guide for Testing Performance of Amusement Rides and Devices.
3. ASTM F 853-98 Standard Practice for Maintenance Procedures for Amusement Rides and Devices.
4. ASTM F 893-87 Standard Guide for Inspection of Amusement Rides.
5. ASTM F 770-93 Standard Practice for Operation Procedures for Amusement Rides and Devices except Section 5.
6. ASTM F 698-94 Standard Specification for Physical Information to be Provided for Amusement Rides and Devices.

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the documents by reference. Copies of these documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed regulations do not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may effect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

2. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**

Division 1, Chapter 4, Subchapter 7, Article 59

Section 4296

Automatic Starting of Woodworking Machines and Equipment After Power Failure

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking action resulted from the evaluation of Petition File No. 397 submitted by *JDS Products Inc.* This Petition requested clarifying changes to editorially separate Section 2540.43 of the Low Voltage Electrical Safety Orders into subsections (a) & (b). It should be noted that the Petitioner's requested editorial revisions to Section 2540.43 were granted by the Board and have been codified in the California Code of Regulations. However, in evaluating the merits of Petition No. 397, both the Standards Board staff and Division of Occupational Safety and Health (Division) staff noted that California's regulations pertaining to woodworking equipment in Article 59 of the GISO do not contain comparable language to federal OSHA's counterpart woodworking regulations in 29 CFR 1910.213(b)(3).

Federal OSHA's woodworking regulations require that provisions be made to prevent machines from automatically restarting upon restoration of power if such restarting of machines might result in operator injury. An advisory committee was convened to discuss promulgating an equivalent California regulation for woodworking machinery/equipment in GISO Section 4296. This rulemaking represents the recommendations Board staff based on input received from the advisory committee.

Article 59. Woodworking Machines and Equipment

Section 4296. General.

Section 4296 contains general regulations applicable to a variety of woodworking machinery and equipment. Proposed new subsection (q) will require that provisions be made to prevent machines and equipment from automatically starting upon restoration of power where injury might result if motors were to automatically restart after power failures. An exception to the regulation is provided for portable power tools intended to be handheld during use. The devices to prevent automatic restarting are not intended for hand-held portable power tools and they would not be practicable for use on them. The operator has hands on control of portable power tools which greatly reduces any risk of flying wood pieces kicking back upon power tool start up. A "note" to the regulation explains that the term "provision," as used in proposed subsection (q), means electrical or mechanical device, or administrative procedures.

Larger sized, extensive and/or sophisticated woodworking machinery and equipment such as large wood planers and various saws are manufactured with devices such as magnetic motor starters, that prevent automatic starting of machinery and equipment after power failures. However, there is some woodworking machinery, e.g., table saws, drill presses and small lathes, which have the ability to automatically restart after power failures. For such machinery, the proposal will have the effect of

requiring the employer to have either a positive device on the machinery or an administrative procedure such as an equipment shut-off or unplugging policy to mitigate potential hazards associated with the automatic restarting of machinery or equipment.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment. The proposal requires that provisions be implemented to prevent woodworking machines and equipment from automatically starting upon restoration of power where injury might result if motors were to automatically start. Employers can meet the requirements of the proposal through minor modification to their Injury and Illness Prevention Program by establishing administrative procedures requiring machinery/equipment subject to the regulation be shut-off or unplugged after a power failure.

Employers will have the option (in lieu of implementing administrative procedures) to install a safety device on woodworking machinery/equipment that will provide anti-automatic restart protection. Such devices are nominal in cost and portable, permitting one device to be used on multiple machines where required. The cost of using such devices, according to woodworking industry representatives, would be negligible and insignificant in relation to the operational cost of the machinery/equipment.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action. Also, see the statement under the heading, "Specific Technology and Equipment."

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Also, see the statement under the heading, "Specific Technology and Equipment."

Cost Impact on Private Persons or Entities

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the State is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because this regulation does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed regulation does not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may effect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The above proposals do not contain building standards regulations as defined by Health and Safety Code Section 18909.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than May 11, 2001. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on May 17, 2001 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided in the following paragraph or submitted by fax at (916) 274-5743 or e-mailed at oshsb@hq.dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to John D. MacLeod, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

JERE W. INGRAM, Chairman

NOTICE OF ADOPTION OF REGULATIONS
INTO TITLE 8, CALIFORNIA CODE OF REGULATIONS
BY THE
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

After proceedings held in accordance with and pursuant to the authority vested in Sections 142, 142.3 and 142.4, of the Labor Code to implement, interpret, or make specific, the Occupational Safety and Health Standards Board, by a majority vote, adopted additions, revisions, or deletions to the California Code of Regulations as follows:

1. Title 8, Chapter 4, Subchapter 4, Construction Safety Orders, Article 29, Section 1716.1(f)(1), Approval of Structural Wood Framing System Erection Plans.

Heard at the August 17, 2000, Public Hearing; adopted on December 14, 2000; filed with the Secretary of State on January 29, 2001; and became effective on February 28, 2001.

2. Title 8, Chapter 4, Subchapter 7, General Industry Safety Orders, Article 15, Section 3482, Bulk Storage of Loose Material.

Heard at the September 21, 2000, Public Hearing; adopted on January 18, 2000; filed with the Secretary of State on February 8, 2001; and became effective on March 10, 2001.

A copy of these standards are available upon request from the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721.

If you have Internet access, visit the Occupational Safety and Health Standards Board by going to: **<http://www.dir.ca.gov/oshsb>** and follow the links to the Standards Board. This information is updated monthly.

The Standards Board's e-mail address is: **oshsb@dir.ca.gov**

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

John D. MacLeod, Executive Officer